

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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RONALD DIGGS,

Plaintiff,

-v-

9:16-CV-554  
(DNH/DJS)

SGT. RONALD G. WOOD; CHRIS DUBREY,  
Correctional Officer/ Sergeant; and T.  
ROBARE, Corrections Officer,

Defendants.

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APPEARANCES:

OF COUNSEL:

RONALD DIGGS

Plaintiff pro se<sup>1</sup>

04-R-3906

Green Haven Correctional Facility

P.O. Box 4000

Stormville, NY 12582

O'CONNELL & ARONOWITZ, P.C.

Pro Bono Attorney for Plaintiff<sup>2</sup>

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The Capitol

Albany, NY 12224

RYAN L. ABEL, ESQ.

Assistant Attorney General

DAVID N. HURD

United States District Judge

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<sup>1</sup> Plaintiff has recently been appointed pro bono trial counsel, however, the currently pending motion for a temporary restraining order and injunction, ECF No. 85, was filed pro se by plaintiff before he was appointed counsel.

<sup>2</sup> Plaintiff's pro bono trial counsel was not involved with the instant motion and has been appointed solely for the purposes of trial. She has been included here for completeness.

**DECISION and ORDER**

Pro se plaintiff Ronald Diggs brought this civil rights action pursuant to 42 U.S.C. § 1983. This matter is presently scheduled for trial beginning October 13, 2020. On July 23, 2020, the Honorable Daniel J. Stewart, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's motion for a temporary restraining order and injunction be denied. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

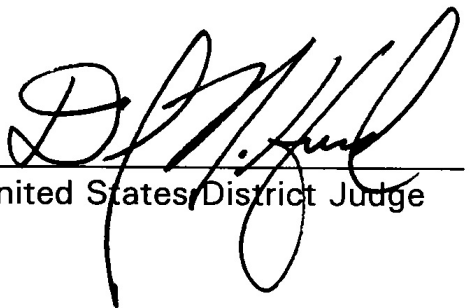
Therefore, it is

ORDERED that

1. Plaintiff's Motion for a Temporary Restraining Order and Injunction, ECF No. 85, is DENIED; and

2. Trial remains scheduled for Tuesday, October 13, 2020 at 9:30 a.m. in Utica, New York. Pre-trial submissions are due on or before Friday, September 29, 2020.

IT IS SO ORDERED.

  
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United States District Judge

Dated: August 12, 2020  
Utica, New York.